

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

PH-2108-PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/005348

International filing date (day/month/year)

15.04.2004

Priority date (day/month/year)

15.04.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

SHARP KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/IP

Authorized officer

Facsimile No.

Telephone No.

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Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☒ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:

This examination finds that in comparing the "radio video transmission system" inventions of claims 1-3, the "radio video transmission system" inventions of claims 4-5, the "radio video transmission system" inventions of claims 6-9 and the "radio video transmission method" invention of claim 10, the "radio transmission system" inventions of claims 1-3 and the "radio video transmission method" invention of claim 10 are related by a method invention with respect to a device invention, and a matter common thereto is the point of detecting communication failure of data periodically transmitted from a receiving side, and upon detecting the communication failure, switching channels for transmitting video data to the receiving side.

However, a matter common to the inventions of the "radio video transmission system" of claims 1-3, the inventions of the "radio video transmission system" of claims 4-5, and the inventions of the "radio video transmission system" of claims 6-9 is the point of being a radio video transmission system for performing radio transmission of video data from a transmitting side to a receiving side, and this common matter is not beyond a scope of the prior art without presenting cited documents; therefore, this common matter is not a special technical feature in the meaning of the second sentence of PCT Article 13.2.

Therefore, there is no matter common to the inventions of claims 1-10. Since there is no other common matter considered to be a special technical feature in the meaning of the second sentence of PCT Rule 13.2, no technical relationship in the meaning of PCT Rule 13 can be found among these different inventions; therefore, the inventions of claims 1-10 do not clearly meet the requirement of unity of invention.

There are three inventions described in the claims of this international application as the inventions described in claims 1-3 and 10 are found to be one invention, the inventions described in claims 4-5 are found to be one invention, and the inventions described in claims 6-9 are found to be one invention.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☒ all parts
- ☐ the parts relating to claims Nos. _____

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Box No. V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-3, 5	YES
	Claims	4, 6-10	NO
Inventive step (IS)	Claims	3	YES
	Claims	1-2, 4-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2003-050677 A (Canon Inc.),
21 February 2003

Document 2: JP 2002-335201 A (Nippon Telegraph and Telephone Corporation.),
22 November 2002

Document 3: JP 08-274756 A (Toshiba Corporation),
18 October 1996

Document 4: JP 2001-352314 A (Mitsubishi Electric Corporation),
21 December 2001

The inventions relating to claims 1-2 do not appear to involve an inventive step based on documents 1 and 2 cited in the ISR. Applying periodic data reception determination disclosed in document 2 as detection means of a communication state of document 1 would be easy for a party skilled in the art.

The invention relating to claim 3 is not described in any of the documents cited in the ISR; nor would it be obvious to a party skilled in the art.

The invention relating to claim 4 is not described in any of the documents cited in the ISR; therefore, it does not appear to be novel or involve an inventive step.

The invention relating to claim 5 does not appear to involve an inventive step based on documents 3 and 4 cited in the ISR. For controlling transmission speed of document 3, configuring the invention so as to perform a compression processing of a transmission image in accordance with the transmission speed control would be easy for a party skilled in the art based on the description in document 4.

The inventions relating to claims 6-10 are described in document 1 cited in the ISR; therefore, they do not appear to be novel or involve an inventive step.